
Minutes
Regular Meeting
July 17, 2013

Present: Mayor Kenneth Neilson, Councilmen Bill Hudson, Thad Seegmiller, Kress Staheli, Ron Truman, Jeff Turek, City Attorney Jeff Starkey, City Manager Roger Carter, Police Chief Jim Keith, Deputy Recorder Tara Pentz, City Recorder Danice Bulloch, Public Works Director Mike Shaw, Community Development Director Drew Ellerman, IT Director Steven Whittekiend, Aquatics Director Ben Rae, Leisure Services Director Barry Blake, Audience: Mark Cram, Brandee Walker, Susan Hannig, Warren Hannig, Shawn Wiscombe, Nathan Fisher, Calvin Fox, Todd Spriggs, Julie Spriggs, Mary Anne Smith, Douglas Gibson, Gloria Gledhill, Troy Belliston, Stephen Pike, Linda Pike, Mary Jones, Boni Powell, Doug Dennett, Dean Wallis, Bob Sandberg, Sandy Rolfe, Sandia Bryant, Jarom Petrich, Jarad Bailey, Jessica Bailey, G.L. Bowers, Sara Lang, Sherrie Reeder, Ralph Staheli, Katherine Staheli

Meeting commenced at 6:19 P.M.

Invocation: Councilman Seegmiller

Pledge of Allegiance: Councilman Hudson

1. APPROVAL OF THE AGENDA

Councilman Hudson made a motion to approve the Agenda. Councilman Staheli seconded the motion; which passed with the following roll call vote:

<i>Councilman Hudson</i>	<i>Aye</i>
<i>Councilman Seegmiller</i>	<i>Aye</i>
<i>Councilman Staheli</i>	<i>Aye</i>
<i>Councilman Truman</i>	<i>Aye</i>
<i>Councilman Turek</i>	<i>Aye</i>

2. ANNOUNCEMENTS

None

3. DECLARATION OF ABSTENTIONS & CONFLICTS

None

4. **CONSENT AGENDA**

APPROVAL OF MINUTES: Consideration to approve the minutes from the City Council Meetings of 6/25/13 and 6/26/13.

BOARD AUDIT REPORT: Consideration to approve the Board Audit Report for June.

Councilman Seegmiller made a motion to remove the Consent Agenda. Councilman Hudson seconded the motion; which passed with the following roll call vote:

<i>Councilman Hudson</i>	<i>Aye</i>
<i>Councilman Seegmiller</i>	<i>Aye</i>
<i>Councilman Staheli</i>	<i>Aye</i>
<i>Councilman Truman</i>	<i>Aye</i>
<i>Councilman Turek</i>	<i>Aye</i>

5. **PRELIMINARY PLAT**

A. Consideration to approve the Preliminary Plat for Creekside Townhomes, located approximately at 250 South 350 West. Tim Stewart

Community Development Director Drew Ellerman reviewed:

The applicant is requesting approval of a preliminary plat for the Creekside Townhomes subdivision, located at approximately 250 South 350 West. The applicant is wishing to develop 40 units/lots on an area covering 4.476 acres, making for a 9 dwelling units / per acre ratio . The location of this particular project is zoned Planned Unit Development (PUD).

The proposed subdivision conforms to the approved zoning conditions, in which this specific PUD zone change was approved on October 10, 2012. The request meets the PUD zoning requirements and the other city ordinances as it relates to this location. Staff has reviewed the request and recommends approval with conditions, of the preliminary plat as outlined.

The Planning Commission unanimously recommended approval of the Preliminary plat for the Creekside Townhomes subdivision to the City Council, based on the following findings and subject to the following conditions:

Findings

1. The preliminary plat meets the land use designation as outlined in the General Plan for the proposed area.
2. That the preliminary plat conforms to the PUD Zoning approval and the Subdivision Ordinance as conditioned.

Conditions

1. A final drainage study and grading and drainage plan shall be submitted for review and approval prior to moving dirt. Development of the site shall comply with the recommendations of the geotechnical study and drainage study, and improvements for drainage and detention shall be

approved by the Public Works Department.

2. A final geotechnical study shall be submitted to the City for review and approval prior to submitting the final plat. All recommendations of the geotechnical study shall be adhered to.
3. Construction drawings for the subdivision and its infrastructure shall be submitted to the City for review and approval prior to the submittal for final plat.
4. The construction drawings shall adequately address prevention of nuisance storm water drainage across lots. If retaining walls are utilized to prevent cross-lot drainage, the developer shall be responsible for installing said retaining walls.
5. At the time of final plat submittal, the following documents shall also be submitted:
 - A. A title report.
 - B. A copy of any deed restrictions, other restrictions, restrictive covenants, architectural controls, or other requirements that may apply to the development (CC&Rs).
6. All detention areas shall be landscaped and all detention and landscaped areas shall be maintained by the property owners and/or homeowners association. A note shall be placed on the plat stating that the City has the right to assess the property owners and/or homeowners association for failing to maintain the detention and landscaped areas.
7. A final landscaped plan and fencing plan shall be submitted for review and approval prior to the submittal of the final plat. Landscaping and fencing shall be installed prior to the occupancy of the buildings that will be constructed along the landscaped and fenced areas.
8. All landscaping, walls and other structures shall meet sight distance requirements. A note shall be placed on the final plat stating that the City has the right to assess the property owners and/or homeowners association for failing to maintain sight distance requirements.
9. Driveway locations are to be approved by the Public Works Department.
10. Any proposed blasting for the development of the subdivision requires the submittal of a blasting plan with the construction drawings and issuance of a blasting permit.
11. A total of twelve (12) visitor parking spaces will be provided.
12. No parking will be allowed along 200 South, from 500 West St. to 200 West St.. Developer will be responsible for signs and/or curb painting along this project as per public works department.
13. A six foot (6') high block wall will be built along 200 South, with a landscape strip between the block wall and the back of the sidewalk.
14. The cost of the trail and associated bridge along the Mill Creek will be estimated by the project engineer with the money being paid to the city and put into an account until a future date when construction takes place with adjoining trail extensions.
15. All other conditions pertaining to the subdivision as placed on the project at the zone change approval from the city council.

Councilman Truman asked if the parking would be sufficient for this size of development.

Mr. Ellerman explained each unit has a double car garage as well as two parking spaces in the drive. They have exceeded the minimum requirements of the code.

Councilman Seegmiller clarified the minimum requirement for multi-family is one guest parking space for five units.

Mr. Ellerman confirmed he was correct.

Councilman Hudson also noted Council has specified there would be no street parking along 200 South, we need to make certain there is enough parking within the development. He would like to ask what would be in the open area at the center of the development.

Jason Smith stated he is representing the developer of this property. They hope to have some type of play area in the center of the development. He has not determined for certain the amenity, but he has not made a final decision whether it may be a playground area or even a splash pad.

Mr. Ellerman stated as part of the PUD the Council previously approved, the amenity would have to be in place in the center of the development.

Councilman Hudson expressed his struggles with the 12 parking spaces, because the parking along 200 South has been eliminated. He would like to know if there would be any way to get additional parking within the development.

Mr. Smith stated typically these types of developments have one covered parking. This particular development has two covered parking as well as the additional parking, he would not anticipate the tenants to have more than two vehicles.

Councilman Staheli asked how deep the driveways are.

Mr. Smith explained the garage is set back 25 feet for the building.

Councilman Staheli asked what was located to the south of this property.

Mr. Ellerman explained the Walmart detention basin was behind the property.

Councilman Staheli asked if the property would be landlocked.

Mr. Smith stated the property is a detention basin for Walmart, and it would not be developable.

Councilman Hudson asked if he has any concerns with the 4-way stop along the road.

Public Works Director Mike Shaw stated he does not currently have any issues, but he could review the road.

Councilman Truman made a motion to approve the Preliminary Plat for Creekside Townhomes, located approximately at 250 South 350 West with the findings and conditions of Staff and as recommended by the Planning Commission. Councilman Staheli seconded the motion; which passed with the following roll call vote:

<i>Councilman Hudson</i>	<i>Nay</i>
<i>Councilman Seegmiller</i>	<i>Nay</i>
<i>Councilman Staheli</i>	<i>Aye</i>
<i>Councilman Truman</i>	<i>Aye</i>
<i>Councilman Turek</i>	<i>Aye</i>

Dennis Gibson stated he feels it is illegal for a Council Member to propose an item to a developer,

and then vote on the item.

City Attorney Jeff Starkey explained what a conflict of interest was with Mr. Gibson. He would be happy to speak with the Attorney General's Office.

**City Manager Roger Carter arrived at 6:38 P.M.*

Priscilla Cahoon she has given a list of her concerns to Council and she would like those to be read, and answered.

Councilman Staheli read the concerns.

*see attached

Scott Sandberg asked if anyone has addressed the traffic issue with 140 cars turning onto Telegraph. He would like to know if the Fire Department has addressed the access.

Penn Smith asked if there was supposed to be a buffer zone between the zoning.

Councilman Hudson stated the downtown is a medium density, and the development is a medium high density.

Mr. Jason Smith stated the access has been reviewed and approved by the Fire Chief. It is a requirement to have a review by the Fire Chief prior to coming to Council for approval. There has been no discussion about this area being low-income housing. The units are planned to be sold as individual homes.

Councilman Staheli stated he feels Washington City needs housing for our young families, so they are able to afford to live in our City.

Public Works Director Mike Shaw stated when an intersection is warranted, a light would be installed. However, it is ill advised to place a light prior to showing need by the traffic counts.

Mr. Sandberg stated he is confused how a fire truck would be able to provide service to 40 units with only one access. Washington City took his property for a second access to a different development.

Mr. Ellerman stated the Fire Marshall has reviewed the development two separate times when the development was submitted. Both times they have approved the development.

Mr. Shaw stated the development Mr. Sandberg is referring to is because one of the existing access were eliminated.

Mr. Sandberg commented when the representative was asked, they did not get a solid answer on the

Councilman Staheli stated they did not get a solid answer. However, the Council was told there would be some type of play area for the amenity .

Jared Bailey asked what kind of Washington is Council looking to develop. Do we really want everything to be built to a minimum standard. He feels one access to the development is inappropriate.

Councilman Truman stated everyone has brought valid points to the meeting. He would like to see all of the citizens come to the meetings when it affects the City as a whole, rather than when it only affects their small area, and they do not like what is being proposed.

Councilman Staheli stated he would like to commend those neighbors who have been involved with the public process. The development is almost half of the originally proposed development size, and is much smaller than could have been.

Councilman Hudson stated we have standards in Washington City, and if individuals try their best to meet those standards then it is the responsibility of the Council to work with those people.

Mr. Penn Smith stated he did not get a notice for the public hearing. In the future, he feels Washington City should extend notice.

Councilman Hudson stated Council would definitely consider extending the public notice area.

Bob Sandberg reviewed maps with Council showing the easements and drainage issues. He would like to know where the drainage is going to go from this development. The issues, which have been brought up, should be addressed prior to final plat approval.

Councilman Staheli commented it has been a very interesting meeting where we have had a public hearing after an actual vote. He would like to note on the record, the issues brought to Council by Bob and Scott Sandberg are valid. For the developer at final plat he will be paying close attention to the drainage and the emergency access. He would like to the Fire Marshall to address the access. He would like the discrepancy of the acreage to be addressed as well.

Councilman Truman stated he would also like to have the open space designated for a specific use.

Councilman Seegmiller asked if there could be a motion made to reconsider the vote.

City Attorney Starkey stated the approach should be consistent. Keeping in mind, if this is something the Council does decide to do, it could become a problem in the future.

Councilman Staheli stated he would be comfortable asking for these items to be addressed at final plat, and there can be changes made at that time.

City Attorney Starkey stated the decision should be fundamentally fair.

Councilman Seegmiller stated based on Councilman Staheli's comments, he would not be making a motion to negate the previous approval.

Leo Tobler stated the property was originally sold as commercial property. There were no leach lines put in, and no compaction. He would suggest reviewing the compaction verification on the property when something is built and sold, so it does not crack.

Councilman Turek clarified compaction test are completed during the building phase.

6. FINAL PLAT

A. Consideration to approve the Final Plat for Rusted Hills, Phase 1, located approximately at Majestic Drive (3090 South) and Camino Real (800 East).

Applicant: Doug Dennett / Paul Freed

Community Development Director Drew Ellerman reviewed:

The applicant is requesting approval of a final plat for the Rusted Hills subdivision (formerly known as and preliminary plat approved as Freed Subdivision), located at approximately Majestic Drive (3090 South) and Camino Real (800 East). This particular subdivision is proposing 11 lots on an area covering 5.26 acres. The specific location of this subdivision is zoned R-1-15 (Single-Family Residential - 15,000 sq. ft. min.). The Preliminary Plat was approved back on February 13, 2013.

Staff has reviewed the requested proposal, and the proposed final plat conforms to the approved preliminary plat.

The Planning Commission unanimously recommended approval of the Final plat for the Rusted Hills subdivision to the City Council, based on the following findings and subject to the following conditions:

Findings

1. The final plat meets the land use designation as outlined in the General Plan for the proposed area.
2. That the final plat conforms to the Washington City Zoning Ordinance and Subdivision Ordinance as outlined.
3. The proposed final plat conforms to the approved preliminary plat.

Conditions

1. All improvements shall be completed or bonded for prior to recording the final plat.
2. A current title report policy shall be submitted prior to recording the final plat.
3. Any referenced control monuments related to this subdivision shall be in place prior to recordation of the final plat. A stamped and signed letter from a professional land surveyor licensed in the state of Utah that verifies that the referenced control monuments are in place shall be submitted to the Community Development Department for filing prior to plat recordation.
4. Where applicable, in the General Notes where the terms "Home Owners Association", or "Property Owners", shall be changed to read as "Property Owners and/or Home Owners Association".
5. An easement must be provided on lot #6 for a drainage / detention area, with restrictions for use, as approved by the Public Works Department prior to recording of final plat.
6. A post construction maintenance agreement must be recorded prior to recording of the final plat.

Mr. Shaw explained Condition 6, which is the erosion control for the development.

Councilman Seegmiller asked what is located in the dark area on the plat.

Mr. Ellerman explained it is a very old easement, and they have not determined what it is used for, or if it is used at all. However, the easement remains on the property.

Councilman Hudson made a motion to approve the Final Plat for Rusted Hills, Phase 1, located approximately at Majestic Drive (3090 South) and Camino Real (800 East) with the findings and conditions of Staff and as recommended by the Planning Commission. Councilman Turek seconded the motion; which passed with the following roll call vote:

<i>Councilman Hudson</i>	<i>Aye</i>
<i>Councilman Seegmiller</i>	<i>Aye</i>
<i>Councilman Staheli</i>	<i>Aye</i>
<i>Councilman Truman</i>	<i>Aye</i>
<i>Councilman Turek</i>	<i>Aye</i>

B. Consideration to approve the Final Plat for Washington Vista at Green Springs Phase 4, located approximately at 2000 N. Green Springs Drive. Applicant: First Nation Investments LLC. / Matthew Lowe

Community Development Director Drew Ellerman reviewed:

The applicant is requesting approval of a final plat for the Washington Vista at Green Springs, Phase 4 subdivision, located at approximately 2000 North Green Springs Drive. This particular phase of the subdivision is proposing 31 lots on an area covering 11.07 acres. The specific location of this subdivision is zoned R-1-10 (Single-Family Residential - 10,000 sq. ft. min.). The Preliminary Plat was approved back on May 25, 2012.

Staff has reviewed the requested proposal, and the proposed final plat, phase 4, conforms to the approved preliminary plat.

The Planning Commission, by a vote of 3-1, recommended approval of the Final plat for the Washington Vista at Green Springs, Phase 4 subdivision to the City Council, based on the following findings and subject to the following conditions:

Findings

1. The final plat meets the land use designation as outlined in the General Plan for the proposed area.
2. That the final plat conforms to the Washington City Zoning Ordinance and Subdivision Ordinance as outlined.
3. The proposed final plat conforms to the approved preliminary plat.

Conditions

1. All improvements shall be completed or bonded for prior to recording the final plat.
2. A current title report policy shall be submitted prior to recording the final plat.
3. Any referenced control monuments related to this subdivision shall be in place prior to recordation of the final plat. A stamped and signed letter from a professional land surveyor licensed in the state of Utah that verifies that the referenced control monuments are in place shall

be submitted to the Community Development Department for filing prior to plat recordation.

4. Where applicable, in the General Notes where the terms "Home Owners Association", or "Property Owners", shall be changed to read as "Property Owners and/or Home Owners Association".

5. That half of Green Springs Drive must be built or bonded for, along the entire east boundary of the phase 4 subdivision prior to the recording of the final plat.

6. That the drainage/detention area between the lots on the east boundary, and Green Springs Drive be built or bonded for, prior to the recording of the final plat.

7. That a post maintenance agreement be recorded prior to the recording of the final plat.

Councilman Seegmiller asked about the street names.

Mr. Ellerman stated the developer has not picked the names. However, they would be named and placed on the plat prior to recording.

Councilman Seegmiller asked about the adjacent property owned by Old Course Development.

Mr. Ellerman explained the current owner is giving the road access so they are able to obtain property access and service stubs to the property, which would otherwise have no access.

Councilman Truman commented the concern of the one Planning Commissioner would be there is not a Homeowners Association, therefore he voted against the development.

Mr. Ellerman commented this is going to finish off the access to the Washington City Property, which is going to allow us to close off the temporary access, which is something the City has been waiting to happen for some time.

Councilman Staheli made a motion to approve the Final Plat for Washington Vista at Green Springs Phase 4, located approximately at 2000 N. Green Springs Drive with the findings and conditions of Staff and as recommended by the Planning Commission. Councilman Hudson seconded the motion; which passed with the following role call vote:

<i>Councilman Hudson</i>	<i>Aye</i>
<i>Councilman Seegmiller</i>	<i>Aye</i>
<i>Councilman Staheli</i>	<i>Aye</i>
<i>Councilman Truman</i>	<i>Aye</i>
<i>Councilman Turek</i>	<i>Aye</i>

C. Consideration to approve the Final Plat for Steeplechase at Washington Fields Phase 1, located approximately at 3930 South 300 East. Applicant: Bob Moore

Community Development Director Drew Ellerman reviewed:

The applicant is requesting approval of a final plat for the Steeplechase at Washington Fields, Phase 1 subdivision, located at approximately 3930 South 300 East. This particular phase of the subdivision is proposing 19 lots on an area covering 4.94 acres. The specific location of this subdivision is zoned R-1-6 (Single-Family Residential - 6,000 sq. ft. min.). The Preliminary Plat was approved back on March 13, 2013.

Staff has reviewed the requested proposal, and the proposed final plat, phase 1, conforms to the approved preliminary plat.

The Planning Commission unanimously recommended approval of the Final plat for the Steeplechase at Washington Fields, Phase 1 subdivision to the City Council, based on the following findings and subject to the following conditions:

Findings

1. The final plat meets the land use designation as outlined in the General Plan for the proposed area.
2. That the final plat conforms to the Washington City Zoning Ordinance and Subdivision Ordinance as outlined.
3. The proposed final plat conforms to the approved preliminary plat.

Conditions

1. All improvements shall be completed or bonded for prior to recording the final plat.
2. A current title report policy shall be submitted prior to recording the final plat.
3. Any referenced control monuments related to this subdivision shall be in place prior to recordation of the final plat. A stamped and signed letter from a professional land surveyor licensed in the state of Utah that verifies that the referenced control monuments are in place shall be submitted to the Community Development Department for filing prior to plat recordation.
4. Where applicable, in the General Notes where the terms "Home Owners Association", or "Property Owners", shall be changed to read as "Property Owners and/or Home Owners Association".
5. That a post maintenance agreement be recorded prior to the recording of the final plat.

Councilman Staheli asked if there are any access issues through Treasure Valley.

Mr. Ellerman stated those issues were addressed and conditions placed at the preliminary plat phase.

Councilman Staheli made a motion to approve the Final Plat for Steeplechase at Washington Fields Phase 1, located approximately at 3930 South 300 East with the findings and conditions of Staff and as recommended by the Planning Commission. Councilman Truman seconded the motion; which passed with the following role call vote:

<i>Councilman Hudson</i>	<i>Aye</i>
<i>Councilman Seegmiller</i>	<i>Aye</i>
<i>Councilman Staheli</i>	<i>Aye</i>
<i>Councilman Truman</i>	<i>Aye</i>
<i>Councilman Turek</i>	<i>Aye</i>

D. Consideration to approve the Final Plat for the New Warm Springs Subdivision Phase 6, located approximately from 950 North to 1160 North and from 400 East to 600 East. Applicant: JCB Homes, LLC

Community Development Director Drew Ellerman reviewed:

The applicant is requesting approval of a final plat for the New Warm Springs, Phase 6 subdivision, located at approximately 950 North to 1160 North and 400 East to 600 East. This particular phase of the subdivision is proposing 79 lots on an area covering 17.72 acres. The specific location of this subdivision is zoned R-1-6 (Single-Family Residential - 6,000 sq. ft. min.). The Preliminary Plat was approved back on February 13, 2013.

Staff has reviewed the requested proposal, and the proposed final plat, phase 6, conforms to the approved preliminary plat.

The Planning Commission unanimously recommended approval of the Final plat for the New Warm Springs, Phase 6 subdivision to the City Council, based on the following findings and subject to the following conditions:

Findings

1. The final plat meets the land use designation as outlined in the General Plan for the proposed area.
2. That the final plat conforms to the Washington City Zoning Ordinance and Subdivision Ordinance as outlined.
3. The proposed final plat conforms to the approved preliminary plat.

Conditions

1. All improvements shall be completed or bonded for prior to recording the final plat.
2. A current title report policy shall be submitted prior to recording the final plat.
3. Any referenced control monuments related to this subdivision shall be in place prior to recordation of the final plat. A stamped and signed letter from a professional land surveyor licensed in the state of Utah that verifies that the referenced control monuments are in place shall be submitted to the Community Development Department for filing prior to plat recordation.
4. Where applicable, in the General Notes where the terms "Home Owners Association", or "Property Owners", shall be changed to read as "Property Owners and/or Home Owners Association".
5. That a post maintenance agreement be recorded prior to the recording of the final plat.

Councilman Seegmiller stated he is having a difficult time understanding the many accesses.

Mr. Ellerman stated the road will connect with the next item on the agenda which is a road dedication.

Councilman Hudson made a motion to approve the approve the Final Plat for New Warm Springs Subdivision Phase 6, located approximately from 950 North to 1160 North and from 400 East to 600 East with the findings and conditions of Staff and as recommended by the Planning Commission. Councilman Truman seconded the motion; which passed with the following role call vote:

<i>Councilman Hudson</i>	<i>Aye</i>
<i>Councilman Seegmiller</i>	<i>Aye</i>
<i>Councilman Staheli</i>	<i>Aye</i>

Councilman Truman Aye
Councilman Turek Aye

7. ROAD DEDICATION

A. Consideration to approve a Road Dedication Plat for Tortoise Rock Drive located approximately at 500 East from 850 North to 1200 North. Applicant: JCB Homes, LLC

Community Development Director Drew Ellerman reviewed:

The applicant is requesting approval of the road dedication plat for Tortoise Rock Drive, located at approximately 500 East and from 850 North to 1200 North. This is the new road running along the east boundary of the New Warms Springs, Phase 6 subdivision which is currently under construction. The Public Works Department has reviewed the plat and approved the design.

The Planning Commission unanimously recommended approval of the Road Dedication plat for Tortoise Rock Drive to the City Council.

Councilman Seegmiller made a motion to approve a Road Dedication Plat for Tortoise Rock Drive located approximately at 500 East from 850 North to 1200 North as recommended by the Planning Commission. Councilman Hudson seconded the motion; which passed with the following roll call vote:

Councilman Hudson Aye
Councilman Seegmiller Aye
Councilman Staheli Aye
Councilman Truman Aye
Councilman Turek Aye

8. PUBLIC HEARINGS AND RELATED ORDINANCES/RESOLUTION

A. Public Hearing for consideration to approve an Amendment to the General Plan, request G-13-03 to change the zoning designation from LD (Low Density) to NCOM (Neighborhood Commercial), for property located approximately at 600 East 2100 South. Applicant: Shawn Wiscombe

Community Development Director Drew Ellerman reviewed:

The applicant is seeking to amend the General Plan Land Use Map in the area located at approximately 600 East 2100 South. The requested area covers 2.00 acres. The current Land Use designation is Low Density Residential (LD). The applicant is seeking approval to have the Land Use designation changed to the Neighborhood Commercial (NCOM) designation as outlined in the General Plan.

The applicant is wishing to amend this parcel in hopes to rezone the parcel to build a new funeral home business on the site. If approved, the zone change request would immediately be applied for. The current surrounding General Plan Land Use designations are Low Density Residential to the west and south, Neighborhood Commercial to north and east.

The Planning Commission reviewed this request at their June 5, 2013 meeting. At that meeting a very extensive public hearing took place, with many of the neighbors from the adjoining subdivision showing up in opposition to the request (see attached minutes). The Planning Commission discussed the request at length after closing the public hearing, the commission then came to a vote, and a second, to recommend denial of the proposed change from Low Density Residential (LD) to Neighborhood Commercial (NCOM) by a vote of 3-2. Feeling that the traffic that would be going through the subdivision to get to the funeral home site would be too much of a burden for the residents.

The Planning Commission, by a vote of 3-2, recommended denial of G-13-03 to amend the General Plan Land Use Map as outlined above and shown on the exhibit attached hereto, to the City Council. Stating that the reason for denial is the accessing through the residential area and the intent of the neighborhood.

Councilman Truman clarified Staff is recommending approval, however, the Planning Commission denied the request.

Mr. Ellerman confirmed he was correct. Regardless, the final decision is made by the City Council.

Councilman Staheli clarified the adjacent parcel had a general plan designation of NCOM (Neighborhood Commercial).

Mr. Ellerman confirmed he was correct. He reviewed the map showing the current general plan designated areas.

Councilman Hudson asked what the distance was between the old Washington Fields Road, and the access to the property.

Mr. Shaw stated it is approximately 200 feet.

Councilman Hudson asked what the standards would be.

Mr. Shaw explained it was an existing access prior to the construction of the Washington Fields Road. However, under the current standards the distance would be 250 feet from the intersection.

Councilman Staheli commented the 2000 South and Washington Fields Road intersection would most likely be the next area to get a traffic light.

Mr. Shaw explained when the traffic count warrants a light, then it would be installed as soon as possible. He did do some research on traffic counts for a funeral home, which would be the proposal use, if the general plan amendment were to be approved. Unfortunately, he was not able to locate any information on these types of usage during peak traffic periods.

Nathan Fisher stated he was representing the applicant today. The project is in the preliminary stages as we are just at the General Plan Amendment phase. However, the applicant would like to construct a funeral home on the site, which would be approximately 5000 square feet. There will not be a chapel in the funeral home because of the area. Chapels are where there is the most

people use the chapels. This is going to greatly limit the traffic because the funeral home would be for viewing purposes only. The traffic would most likely be at off peak times. He reviewed the specific location of the structure on the map.

Councilman Truman asked if there would be a possibility of acquiring an access off of Washington Fields Road.

Mr. Fisher stated there have been discussions about an additional access. However, due to the topography and expense, an additional access would not be feasible. This change would provide a potential need in the area, and a project that is quiet and unobtrusive. The developer has actually proposed construction of the building to look very much like a home. The amount of traffic would not be changing significantly.

Councilman Truman asked if there was a reason why the applicant would prefer being on the upper portion of the parcel then down along the road.

Mr. Fisher stated the parcel lower is more expensive, and be more commercial in nature. This would be designed to be more of a home type design. It would blend very well with the residential, and would be a great buffer between the property along the road, which could be some type of convenience store or gas station.

Councilman Hudson stated the lower portion of the parcel could not be a gas station. However, a quickie mart or convenience store could go along Washington Fields Road.

Mr. Fisher reviewed the anticipated design of the structure, which would look very much like an actual home.

Nicole Kimsey stated the residents do not feel they are proposing a service the neighborhood needs. The Planning Commission denied the request for that reason. The only access into the parcel is through a residential area. Business inside of a neighborhood does not make any sense at all.

Councilman Truman asked if there was any factual data about the traffic through the development.

Ms. Kimsey stated people are going to be coming and going, and if there is a viewing there will be a steady flow of traffic. Neighborhood traffic is a subtle flow of traffic continuing throughout the day.

Councilman Truman commented churches are built in residential areas, and if it were a church rather than a funeral home, would they still be concerned about the traffic.

Ms. Kimsey stated she would be concerned if it were a church as well. She feels the roads were never designed to handle those type of traffic. She feels the lower parcel should be revisited as well because it is not a good location for commercial.

Councilman Seegmiller asked for clarification on her statement of driving through a neighborhood.

Ms. Kimsey reviewed the access on a map with Council.

Lenny Jones stated the traffic on Washington Fields Road is a big issue for safety. In his opinion, he would not like commercial in this area. He reviewed a possible scenario for residential homes through the entire area. One of the safety issues is the intersection spacing from Washington Fields Road to 600 East. The steepness of the road is also an issue along with crime issues having a commercial development within a residential area.

Councilman Truman clarified the concern was the turn on to 600 East causing the backup of traffic from 2000 South.

Ralph Staheli stated this property is currently zoned agricultural. The reason they have asked to put the funeral home on the upper piece is to have a beautiful building, which looks like a home looking out over the valley. The road 600 East was never part of the subdivision, so it is not a neighborhood road. He would also like to clarify when the new road came through his property, he was supposed to have commercial property along the Washington Fields Road, which he feels would be an asset to the City.

Councilman Seegmiller confirmed 600 East used to be the old Washington Fields Road, and was never part of this neighborhood development.

Marlena James stated she cares very much about the proposed use and structure. She has been told by two different people, upon doing a fair market evaluation, her home value would drop 10 to 15 percent if it did not get sold before the funeral home was built.

Sherrie Reeder states she lives in Nichols Peak as well. Several years ago there was a big issue over cows, which are directly behind her home. She remembers when it was approved, nobody was happy. She does know there could be a lot of traffic, but we all do not get to say how we want everything developed. However, more often than not, they hear people asking for commercial businesses such as Swig, or Convenience Stores. She personally knows the applicant Shawn, and anything he does is beautiful. She understands it is different, and she loves her neighbors, but she feels the request would be a good thing for the neighborhood.

Katherine Staheli stated she owns the property as well. From the time the City decided where the new road would go in, this property has been an issue. She personally knows Shawn, and anything he built would be beautiful, and the reason they want it up on the hill is because it would be beautiful for Washington. She would like to suggest having a wall put up and no left turn lane.

Ms. Kimsey commented when people suggest putting a Swig in the area, they are talking about on the corner, not up inside the development. The issue is rezoning to a residential neighborhood.

Mr. Fisher explained it is not a typical full chapel service mortuary, which means there are not full processions at the location. There could perhaps be some type of service here, but it would be unlikely or very small. Whether homes go in here or the proposal, the traffic would still have the same issues. It is probably the most closely related to a home not only because of the structure, but also because of the calm peacefulness related. If issues come up, they can be addressed.

No further comments were made.

Councilman Turek made a motion to close the public hearing. Councilman Seegmiller seconded the motion; which passed with the following roll call vote:

<i>Councilman Hudson</i>	<i>Aye</i>
<i>Councilman Seegmiller</i>	<i>Aye</i>
<i>Councilman Staheli</i>	<i>Aye</i>
<i>Councilman Truman</i>	<i>Aye</i>
<i>Councilman Turek</i>	<i>Aye</i>

B. Consideration to approve an Ordinance adopting the General Plan Amendment, request G-13-03, to change zoning designation from LD to NCOM.

Councilman Staheli stated he would like to speak in favor of the project. He has known Shawn for a very long time, and he feels he would do a great job. The subdivision is very near to him, as one of the roads are named after his deceased father, and two roads are named after his uncles. The development he lives in has a school at the end of the street, and he feels that traffic is not going to cause an issue.

Councilman Truman commented there is no doubt this would be a beautiful project. He feels to have this type of business at the end of a cul-de-sac would probably not be the best location. The other mortuaries are not within the residential zones. The request is a commercial enterprise, where churches and schools are not. We already have limitations on the types of businesses that can be ran out of a home, so he feels this would not be an appropriate location.

Councilman Hudson stated he was at the Planning Commission Meeting, and he sees both sides of the development. He has struggled with the proposal for some time now. He feels this would be very beautiful, and the lower parcel is very appropriate to be a commercial parcel if the access issues can be worked out, but he does feel this particular area would be better served as a residential area.

Councilman Staheli asked how he feels about the previous Washington Fields Road being in these individuals back yard, and the development of the new road by the City adversely affecting him.

Councilman Truman commented all of the residents are adversely affected by something at some point, it is unavoidable when development takes place. However, he would not feel changing his home into a Funeral Home would be an appropriate use, and it would not be favored by the neighbors.

Councilman Hudson stated when you change the General Plan you better know what is going to happen.

Councilman Seegmiller stated he does feel the area is offset somewhat from the subdivision, but having the general plan changed in the area is probably not the best.

Mayor Neilson stated he likes the idea. He can understand both sides. He does know Shawn, and feels he would do an excellent job. He feels there are some issues on this corner, but he is definitely in favor of property rights.

Councilman Hudson asked if the they approved the general plan change tonight, would the question of the access issues come before Council at the zone change.

Mr. Ellerman stated those types of questions are more appropriate at the time of the zone change request.

Councilman Truman commented if the general plan is approved the request could come before Council as something different.

Mr. Ellerman stated there are very limited uses which could go within a NCOM zone.

Councilman Staheli made a motion to approve an Ordinance adopting the General Plan Amendment, request G-13-03, to change zoning designation from LD to NCOM. Councilman Turek seconded the motion; which passed with the following roll call vote:

<i>Councilman Hudson</i>	<i>Nay</i>
<i>Councilman Seegmiller</i>	<i>Aye</i>
<i>Councilman Staheli</i>	<i>Aye</i>
<i>Councilman Truman</i>	<i>Nay</i>
<i>Councilman Turek</i>	<i>Aye</i>

C. Public Hearing for consideration to approve an Amendment to the General Plan, request G-13-04 to change the zoning designation from LD (Low Density) to CCOM (Community Commercial), for property located approximately at 4200 S. Washington Fields Road. Applicant: Bryce Gibby

Community Development Director Drew Ellerman reviewed:

The applicant is seeking to amend the General Plan Land Use Map in the area located at approximately 4200 South Washington Fields Road. The requested area covers 13.47 acres. The current Land Use designation is Low Density Residential (LD). The applicant is seeking approval to have the Land Use designation changed to the Community Commercial (CCOM) designation as outlined in the General Plan.

The applicant is wishing to amend this parcel for future commercial growth in the area and along a major road in the southern portion of the city. They are also interested in the expansion of the current greenhouse business at this location. The current surrounding General Plan Land Use designations are Low Density Residential to the east, west and south, and Neighborhood Commercial to the north.

The Planning Commission unanimously recommended approval of G-13-04 to amend the General Plan Land Use Map as outlined above and shown on the exhibit attached hereto, to the City Council.

Bryce Gibby explained the Greenhouse is an agricultural zone with a natural property for the type of use. They have been working with the School District and Washington City, and originally thought this particular property was already in the General Plan as Community Commercial. They just found out recently they were not located in the correct area of the General Plan for the School or the expansion of the greenhouse.

Councilman Truman asked what the future type of businesses they would like to put in the area.

Mr. Gibby stated the school has a beautiful plan for their parcel along with the expansion of the greenhouse. They plan to have residential from the greenhouse to the south, which will be a very nice buffer.

No further comments were made.

Councilman Seegmiller made a motion to close the public hearing. Councilman Turek seconded the motion; which passed with the following role call vote:

<i>Councilman Hudson</i>	<i>Aye</i>
<i>Councilman Seegmiller</i>	<i>Aye</i>
<i>Councilman Staheli</i>	<i>Aye</i>
<i>Councilman Truman</i>	<i>Aye</i>
<i>Councilman Turek</i>	<i>Aye</i>

D. Consideration to approve an Ordinance adopting the General Plan Amendment request G-13-04, to change zoning designation from LD to CCOM.

Councilman Truman made a motion to approve an Ordinance adopting the General Plan Amendment, request G-13-04, to change zoning designation from LD to CCOM. Councilman Hudson seconded the motion; which passed with the following role call vote:

<i>Councilman Hudson</i>	<i>Aye</i>
<i>Councilman Seegmiller</i>	<i>Aye</i>
<i>Councilman Staheli</i>	<i>Aye</i>
<i>Councilman Truman</i>	<i>Aye</i>
<i>Councilman Turek</i>	<i>Aye</i>

E. Public Hearing for consideration of Selling certain Real Property, owned by the City and thereafter to take steps to sell such Property. The Property is being considered for sale to the immediately-adjacent real property owners based upon independent, professional appraisal values. The Property is approximately 0.86 acres and located on the southwest border of the Green Springs Park at approximately 1775 N. Green Spring Drive, Washington, Utah. Roger Carter, City Manager

City Manager Carter reviewed the request for the selling of City owned property.

Councilman Seegmiller asked if this is the same request they have discussed in the past.

City Manager Carter stated the public hearing is part of the process, but the property has been discussed in a previous meeting.

Troy Belliston stated he does not have any concerns as the applicant.

No further comments were made.

Councilman Seegmiller made a motion to close the public hearing. Councilman Hudson seconded the motion; which passed with the following role call vote:

<i>Councilman Hudson</i>	<i>Aye</i>
<i>Councilman Seegmiller</i>	<i>Aye</i>
<i>Councilman Staheli</i>	<i>Aye</i>
<i>Councilman Truman</i>	<i>Aye</i>
<i>Councilman Turek</i>	<i>Aye</i>

F. Consideration to approve a Resolution authorizing the intent to consider selling certain real property owned by the City and thereafter to take steps to sell such Property, located at approximately 1775 N. Green Spring Drive. Roger Carter, City Manager

Councilman Seegmiller made a motion to approve a Resolution authorizing the intent to consider selling certain real property owned by the City and thereafter to take steps to sell such Property, located at approximately 1775 N. Green Spring Drive. Councilman Hudson seconded the motion; which passed with the following role call vote:

<i>Councilman Hudson</i>	<i>Aye</i>
<i>Councilman Seegmiller</i>	<i>Aye</i>
<i>Councilman Staheli</i>	<i>Aye</i>
<i>Councilman Truman</i>	<i>Aye</i>
<i>Councilman Turek</i>	<i>Aye</i>

9. AGREEMENTS

A. Consideration to approve an Energy Service Performance Contract with Seimens Industrial, Inc. Marc Cram

City Manager Carter reviewed the proposal, and explained we had an independent company, Sunrise Engineering, review the contract. They feel from an engineering standpoint, they feel the contract is in order, with the changes they have proposed. We have submitted these changes to Seimens.

City Attorney Starkey explained his review of the contract from a legal standpoint.

Councilman Truman asked if we are deleting from this contract the salt system.

City Manager Carter stated we are having an ongoing discussion with the Aquatics Staff in regards to warranty of the chlorinator. In the event there could be a problem with implementing the salt generator, we are asking Siemens to present this both with it included, and without.

Councilman Seegmiller discussed the performance guarantee with Staff.

City Manager Carter asked if there are any concerns from Siemens with the changes recommended

by Sunrise Engineering.

Mark Cram stated those changes have already been incorporated into the exhibits.

Councilman Seegmiller asked how many additional engineering consultations are we going to need with the implementation of the agreement.

City Manager Carter stated Siemens will continue to work with Washington City. He does not anticipate needed additional engineering services other than annual reviews.

Mr. Cram stated it is standard practice to have a 3rd party reviewing the audit as well as annual reviews. He would also like to address the chlorine generator. The pool is stainless steel lined, which they were not previously aware of. There is some question as to if the chlorine generator would void the warranty of the pool. Therefore, they have allowed for this item to be removed from the agreement upon determination on the pool structure, and warranty.

City Manager Carter stated we have received 3 finance bids. It is recommended that we go with Siemens Financial who had the best interest rate. We would also recommended the approval of the contract with the implementation of the changes as provided by Sunrise Engineering and our City Attorney.

Councilman Truman made a motion to approve an Energy Service Performance Contract with Siemens Industrial, Inc, with the incorporation of the recommendations of Sunrise Engineering and legal council and with the funding by Siemens Financial. Councilman Hudson seconded the motion; which passed with the following roll call vote:

<i>Councilman Hudson</i>	<i>Aye</i>
<i>Councilman Seegmiller</i>	<i>Nay</i>
<i>Councilman Staheli</i>	<i>Aye</i>
<i>Councilman Truman</i>	<i>Aye</i>
<i>Councilman Turek</i>	<i>Aye</i>

B. Consideration to approve an agreement for the Concession Stand at the Community Center. Jeff Starkey, City Attorney

Councilman Hudson explained outsourcing the concession stand could bring in additional profits as well as alleviate the burden of employment and management. The applicant is Mama Knows Pizza, and they are excited, and feel they could provide a good service for the Community Center.

Aquatics Director Benjamin Rae stated the plan is to continue offering the current items within the stand along with the pizza, salads, and subs. It would allow him to more involved in the aquatic, and bring in additional revenue.

City Attorney Starkey stated the lease would initially be for one year. However, we have added the clause that they may roll over year to year if they want to keep the lease.

Councilman Hudson stated the numbers they presented for the lease came in above what the current revenue is, so it would be a net positive overall.

Councilman Hudson made a motion to approve an agreement for the Concession Stand at the Community Center subject to the final contract being approved by Council. Councilman Staheli seconded the motion; which passed with the following role call vote:

<i>Councilman Hudson</i>	<i>Aye</i>
<i>Councilman Seegmiller</i>	<i>Aye</i>
<i>Councilman Staheli</i>	<i>Aye</i>
<i>Councilman Truman</i>	<i>Aye</i>
<i>Councilman Turek</i>	<i>Aye</i>

10. REPORT OF OFFICERS FROM ASSIGNED COMMITTEE

None

11. CITY MANAGER REPORT

City Manager Carter stated we need to have a public hearing to apply for the grant to do a study on the Public Safety Building. This was overlooked, so we would like to set it for 6:00 P.M. on Tuesday, July 23rd along with the other meeting, as it should only take a few minutes.

12. CLOSED SESSION

- A. The character or professional competence of an individual;**
- B. To discuss pending or potential litigation; and/or**
- C. Discuss purchase, exchange or lease of property.**

Councilman Turek made a motion to move into Closed Session to discuss the character or professional competence of an individual. Councilman Seegmiller seconded the motion; which passed with the following role call vote:

<i>Councilman Hudson</i>	<i>Aye</i>
<i>Councilman Seegmiller</i>	<i>Aye</i>
<i>Councilman Staheli</i>	<i>Aye</i>
<i>Councilman Truman</i>	<i>Aye</i>
<i>Councilman Turek</i>	<i>Aye</i>

Council moved into Closed Session at 10:18 P.M.

Council left the Closed Session and returned to adjourn the Regular Meeting at 12:10 A.M.

13. ADJOURNMENT

Councilman Truman made a motion to adjourn the Regular Meeting. Councilman Seegmiller seconded the motion; which passed with the following role call vote:

<i>Councilman Hudson</i>	<i>Aye</i>
<i>Councilman Seegmiller</i>	<i>Aye</i>

Councilman Staheli Aye
Councilman Truman Aye
Councilman Turek Aye

Meeting adjourned at 12:10 A.M.

Passed and approved this 14th day of August 2013.

Attest by:

Danice B. Bulloch

Danice B. Bulloch, CMC
City Recorder



Washington City

Kenneth F. Neilson
Kenneth F. Neilson, Mayor